

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for
RJR
APR 09 2007

JOHN F. CORCORAN, CLERK
BY: *H. M. O'Neal*
DEPUTY CLERK

FAHED TAWALBEH,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:07CV00145

FINAL ORDER

By: Jackson L. Kiser
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

as follows:

- 1) Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive and the case is hereby **STRICKEN** from the active docket of this court.
- 2) Tawalbeh is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).
- 3) The Clerk is **DIRECTED** to file the petitioner's motion in his criminal case - 7:97CR0024, as a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2).

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all parties.

ENTER: This 9th day of April, 2007.

Jackson L. Kiser
Senior United States District Judge